



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : **FISCHER, et al.**  
SERIAL NO : 09/759,709  
FILED : January 12, 2001  
TITLE : HYBRID MAIZE PLANT AND SEED 36N70  
  
Grp./A.U. : 1638  
Examiner : FOX, David T.  
Conf. No. : 2738  
Docket No. : P04814USO

**PRELIMINARY AMENDMENT**

Mail Stop Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the communication from the Examiner dated February 25, 2003, a Final Rejection, and an Advisory Action dated June 11, 2003, it is respectfully requested that the following Preliminary Amendment and Request for Continued Examination (RCE) be entered and made of record. It is believed that the following amendments and remarks place the application in the form for allowance, or at least, place the claims in a better form for Appeal. No new matter is presented, as such the Amendment is proper under 35 C.F.R. § 1.116. Applicant respectfully requests reconsideration.

**Introductory Comments**

Claims 1-42 are pending in the present application.

07/15/2003 JADD01 00000040 09759709  
02 FC:1251 110.00 0P

=====

**CERTIFICATE OF MAILING BY EXPRESS MAIL**

I hereby certify that this document and the documents referred to as enclosed therein are being deposited with the U.S. Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, prior to 5:00 p.m. on the 11th day of July, 2003.

  
Michelle L. Woods  
Express Mail Label # EV 330572929 US